

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>MARK IANELLI,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO.</b>
<b>v.</b>	:	
	:	<b>19-CV-04964-RAL</b>
<b>SERGEANT MICHAEL HARVEY,</b>	:	
	:	
<b>Defendant.</b>	:	

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**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2023, upon consideration of Plaintiff's Petition for Attorneys' Fees and Costs, it is HEREBY ORDERED that the Petition is GRANTED. Defendant is ordered to pay Plaintiff \$44,317.65 in attorneys' fees and costs.

BY THE COURT

\_\_\_\_\_  
Honorable Richard A. Lloret  
U.S. Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KATS, JAMISON & ASSOCIATES**

**By: Ryan Anderson, Esquire**  
**PA. I.D. No. 200512**  
**1 Bustleton Pike**  
**Feasterville, Pennsylvania 19053**  
**randerson@mkats.com**  
**P: (215) 396-9001**  
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**ATTORNEYS FOR PLAINTIFF**

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<b>MARK IANELLI,</b>	:	
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**PLAINTIFF'S PETITION FOR ATTORNEYS' FEES AND COSTS**

Plaintiff respectfully submits his Petition for Attorneys' Fees and Costs, as follows: as follows.

On April 20, 2023, the Jury in the above-captioned matter returned a Verdict in favor of Plaintiff on his §1983 Excessive Force claim. See Verdict Sheet attached hereto at **Exhibit A**. The Jury awarded damages in the amount of \$5,000.00, well above the *de minimus* or nominal minimum of \$1.00 provided for under the Jury Instructions. Under 42 U.S.C. § 1988, a prevailing party in a §1983 action may be awarded attorney's fees "as part of the costs." Standards for awarding attorney's fees under 42U.S.C. §1988 are "generally applicable in all cases in which Congress has authorized an award of fees to a 'prevailing party.'" Hensley v. Eckerhart, 461 U.S. 424, 433 n.7 (1983). In awarding an attorney's fee under subsection (b) of this section in any action or proceeding to enforce a provision of section 1981 or 1981a of this title, the court, in its discretion, may include expert fees as part of the attorney's fee. Accordingly, a prevailing plaintiff

“should ordinarily recover an attorney’s fee unless special circumstances would render such an award unjust” Newman v. Piggie Park Enterprises, 390 US 400, 402.

Under Hensley, 461 U.S. 424(1983), the starting point for determining the amount of a reasonable fee is reached by multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate. This figure is known as the “lodestar.” See, Lipsett v. Blanco, 975 F.2d 934 (1stCir.1992) Of note, fees in civil rights suit should not be reduced because fees are far greater (11 times) than the amount of damages awarded where victory serves a public interest. City of Riverside v. Rivera, 477 U.S. 561(1986). There is a public interest in private enforcement of civil rights laws even in individual cases. Cowan v. Prudential Ins. Co. of America 935 F.2d 522 (2ndCir.1991).

Plaintiff’s Counsel has spent a significant amount of time on this matter. See Affidavit of Ryan Anderson, Esquire of Billing Records and Costs attached hereto at **Exhibit B**. Plaintiff’s lodestar calculation is based upon Attorney Anderson’s seventeen (17.5) years of experience and Attorney Hanratty’s one (1) year of experience (at the time of his activities on this matter). The respective billing rates are based upon the Community Legal Services of Philadelphia’s Attorney Fee Schedule, attached hereto at **Exhibit C**. Attorney Anderson’s rate at \$580/hr is the midrange of attorneys with 16-20 years of experience and Attorney Hanratty’s rate at \$235/hr for attorneys with less than two (2) years of experience. Attorney Anderson’s fees of \$580/hr multiplied by 62.6 hours billed equals \$36,308.00. Attorney Hanratty’s fees of \$235/hr multiplied by 11.7 hours billed equals \$2,749.50. In addition, Plaintiff has incurred costs of \$5260.15.

WHEREFORE, Plaintiff hereby requests this Honorable Court to award **\$44,317.65** in attorneys’ fees and costs.

Respectfully submitted,

**KATS, JAMISON & ASSOCIATES**

A handwritten signature in black ink, appearing to be 'R. Anderson', written over a horizontal line.

By: \_\_\_\_\_

Ryan Anderson, Esquire  
*Attorneys for Plaintiff*  
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Date: May 3, 2023

**KATS, JAMISON & ASSOCIATES**

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**ATTORNEYS FOR PLAINTIFF**

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**v.**

**SERGEANT MICHAEL HARVEY,**

**Defendant.**

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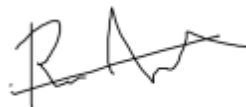
**CIVIL ACTION NO.**

**19-CV-04964-RAL**

**CERTIFICATE OF SERVICE**

I, Bryan Hanratty, Esquire, attorney for Plaintiff in the above-captioned matter, hereby certify that a true and correct copy of the foregoing Plaintiff's Memorandum in Support of Additional Discovery was served upon all parties and counsel of record on today's date via the Court's electronic filing system.

**KATS, JAMISON & ASSOCIATES**

By: 

Ryan Anderson, Esquire  
*Attorneys for Plaintiff*  
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Date: May 3, 2023